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December 5, 2022

Teresa Kenny, Supervisor
Town Board, Town of Orangetown
26 W Orangeburg Rd,
Orangeburg, NY 10962

Re: Town of Orangetown 2022 Comprehensive Plan – Response to Rockland County Comment Letter pursuant to GML § § 239-1 and -m dated October 24, 2022

Dear Supervisor Kenny and Members of the Town Board:

AKRF, Inc. is in receipt of the letter from the Rockland County Department of Planning pursuant to NY General Municipal Law §§ 239-1 and -m, dated October 24, 2022, which recommended modifications to the Draft Town of Orangetown 2022 Comprehensive Plan. We offer the following response to the comments raised therein. As noted below, several of the comments raised by Rockland County Department of Planning relate to details that AKRF believes are better suited to the development of a draft zoning law or implementation, as opposed to a Comprehensive Plan. Since the Rockland County Department of Planning would also have an opportunity to provide comments and recommended modifications on any zoning advance by the Town, we recommend that these comments be overridden at this point in time, and instead addressed at such time that the recommendation is advanced.

Comment 1: *The adoption of a municipality's land use plan, the adoption by any agency of a comprehensive resource management plan or the initial adoption of a municipality's comprehensive zoning regulations are considered Type I Actions under Section 617.4(b)(1) of the New York State Environmental Quality Review Act (SEORA). As such, they are more likely to require the preparation of an Environmental Impact Statement (EIS). The GML referral did not include any SEORA documents. The EIS or Environmental Assessment Form must be submitted for our review.*

Response 1: Comment noted. The full EAF will be referred to the County once finalized.

Comment 2: *The goals and objectives are not clearly and consistently identified within each chapter. For instance, Chapter 3 (Community Character and Historic Resources) vaguely states the intended goal on Page 95, but does not identify objectives; however, it does list implementation strategies starting on Page 96. By contrast, Chapter 2 (Current and Future Land Use, Zoning, and Design) identifies the goal on Page 62, but lists the objectives as bullet points on Page 25, after the introduction. "The Vision, Goals, and Objectives" Section of each chapter must clearly state the general goal or*

goals of the chapter and list all objectives that relate to the implementation strategies established.

Response 2: The goals and objectives are consistent between chapters. The objectives in Chapter 2 are listed in the context of the public engagement process.

Comment 3: *On Pages 10 and 11, Table 1-1, "2003 Comprehensive Plan Recommendations and Outcomes," lists several recommendations where it indicates that the outcome was unclear or the recommendation was never implemented. The status for each of these recommendations must be determined. For recommendations not implemented, the reason(s) should be specified on the table. The table must also indicate which of these recommendations are being reconsidered and incorporated into the 2022 Comprehensive Plan.*

Response 3: The information on the outcomes of the 2003 Comprehensive Plan recommendations is not readily available.

Comment 4: *Objective 2, of Goal 1 on Page 17 proposes an update and modernization of the Zoning Code. In its review and up-date to the zoning code, the Town may want to consider alternative zoning models such as form-based codes.*

Response 4: Comment noted. This will be considered at such time that the Town Board pursues updating the zoning code.

Comment 5: *On Page 18, Goal 3, Objective 4 is to create pedestrian-friendly, walkable streets in hamlet centers by "limiting traffic during certain times on low-traffic roadways." It is unclear how the plan hopes to achieve limiting traffic. This goal must be clearly addressed in Chapter 4 (Transportation, Mobility, and Parking).*

Response 5: The specific measures to limit traffic in the hamlets will be addressed by the Town at the time of implementation.

Comment 6: *In Goal 3, Objective 11 on Page 19, Rockland County Public Transportation should be listed as a local transit provider.*

Response 6: Rockland County Department of Public Transportation has been added to the list of local transit providers on page 19.

Comment 7: *Goal 4 on Page 19 is to "Promote sustainable development and plan for climate resiliency." Page 222 in the Sustainability and Climate Resiliency Chapter includes the action of "continuing to enforce the recently adopted NYStretch Code." It is recommended that the use of the NYStretch Energy Code be incorporated as an objective for Goal 4.*

Response 7: Use of the NYStretch Energy Code has been added as Objective 11 under Goal 4 on page 20.

Comment 8 *The Village of South Nyack was dissolved on March 31, 2022. as indicated on Page 26. The last sentence of the last paragraph mentions that land use and zoning*

regulations related to the Village have become the responsibility of the town. The Comprehensive Plan must clarify if the Town intends on continuing to enforce regulations of the South Nyack Zoning Code or if provisions for South Nyack will be incorporated into the Orangetown Zoning Code.

Response 8: Chapter 2, under the Existing Land Use Conditions (page 26) has been updated to clarify that the regulations of South Nyack were adopted by the Town of Orangetown on September 13, 2022.

Comment 9: *The third paragraph on Page 38 indicates that there is a continued concern for the development of manufacturing, warehouse, and distribution centers along the Route 303 Corridor, despite the adoption of the Route 303 Overlay District. Our department continues to receive proposals to permit the construction of the aforementioned uses within the Overlay District. Several of our concerns that align with the study have been overridden by the local land use boards. The level of success with the adoption of the Overlay District and Town's efforts to enforce its regulations should be further discussed in this section of the plan.*

Response 9: Comment noted. The Comprehensive Plan recommends clarifying the Route 303 Overlay District provisions. This additional clarification could minimize the necessity for future overrides.

Comment 10: *Figure 2-3, Existing Zoning Map, on Page 44, as well as Figure 2-5, Proposed Zoning Map, on Page 65 include labels for the Villages of Nyack, South Nyack, Grand View on Hudson, and Piermont. These municipalities are subject to different zoning regulations from the Orangetown Zoning Code and thus their boundaries must be more clearly distinguished from Orangetown's zoning districts on the map. Since South Nyack is under the purview of Orangetown, it is recommended that its zoning districts be identified in Figures 2-3 and 2-5.*

Response 10: Comment noted. Labels and boundaries for the Villages of Nyack, Grand View-on-Hudson, and Piermont are included on Figures 2-3 and 2-5.

Comment 11: *Table 2-5 on Pages 48 and 49 lists uses indicated as currently "being permitted as of right," "not permitted," "special permit uses," or "conditional uses." A description for special permit uses is included on Page 50, following performance standards. A description should be added for conditional uses since they are also included on the Table.*

Response 11: A description of conditional uses has been added to the paragraph on special permit uses on page 50. The paragraph also references Zoning Code Chapter 43, Sections 7.1-6, which describe the procedure for a conditional use permit.

Comment 12: *The paragraph on the bottom of Page 56 lists "the top land use areas indicated as important to future development," according to a survey. In parenthesis, the paragraph notes "see Appendix A"; however, the same graph in the appendix is also on Page 57. This similarly occurs in the paragraph on the bottom of Page 57, continuing to the top of Page 58, regarding "the top residential land uses encouraged by respondents." Appendix A is once again referenced, but the same graph in the*

Appendix is on Page 58. These two paragraphs should reference subsequent graphs instead of Appendix A, as they will be easier for a reader to find.

Response 12: Appendix A is referenced because it contains supplementary information in addition to the graphs.

Comment 13: *The definition for Garden townhome on Page 68 must clarify if a townhome unit exists on its own lot, as it could otherwise be confused with multi-unit residential classifications.*

Response 13: The description for Garden Townhome on page 68 has been revised to note that a townhome exists on its own lot.

Comment 14: *We appreciate that the Town is considering revising their code to better address data centers, which have different needs from standard warehouses. The proposed definition for data centers on Page 69 is informative and mirrors our department's concerns regarding their energy and water usage. Data centers are currently only permitted within the RPC-OC (Rockland Psychiatric Center Office Park) zoning district. In spite of this, our department has recently reviewed applications required for permitting a data center within the LIO (Light Industrial-Office District), where data centers are not listed as a permitted land use, making approval difficult. According to Page 71, Table 2-6 of the Comprehensive Plan, data centers may eventually be allowed within the LIO district as a conditional use (as well as other districts). We find such changes to the zoning code to be necessary, as the demand for data centers has increased in recent years. The special considerations related to data centers must be adequately discussed in the Zoning Code.*

Response 14: The Comprehensive Plan provides a description of data centers along with general considerations. Special considerations for data centers will be addressed when the zoning is advanced.

Comment 15: *The last paragraph on Page 73, continuing to the top of Page 74, discusses confusion about warehouses and distribution centers permitted within the Route 303 Overlay District. This paragraph references Section 13.10.B.5 of the zoning code, which prohibits "retail warehouse uses, including mini-storage uses and distribution centers," in excess of 65,000 square feet in the Overlay District. We agree that statement is ambiguous for an otherwise crucial development standard for a significant corridor. We recommend that the uses that the town intends to distinguish under this standard be clarified in this section of the Comprehensive Plan.*

Response 15: The Comprehensive Plan recommends that "the text of the Overlay District should be amended to clearly differentiate between different types of warehouses and distribution centers, specify which types are permitted, and establish performance standards to address residents' concerns." The specific uses and their descriptions will be advanced when the Town Board proceeds with implementing the zoning.

Comment 16: *We recommend that the Town also consider limiting the size of warehouses and similar facilities outside of the Route 303 Overlay District. While the Town has FAR requirements for warehouse facilities, which is effective for reducing building size on smaller parcels, FAR requirements alone are not enough to prevent excessively sized warehouses on larger parcels, which can potentially consume large swaths of open*

space. Possible provisions could include maximum building coverage, maximum development coverage, and/or maximum square footprint for new warehouses.

Response 16: This comment is more appropriate to implement when the zoning updates are advanced. As such, it has not been included in the edits.

Comment 17: *Page 77 includes three implementation strategies, including "Review Special Permit and Conditional Use Permit Standards and update as necessary to address current uses and concerns. In particular, clarify and update the standards for warehouse and distribution centers," "Develop a steep slopes and ridgeline protection ordinance," and "develop design guidelines for facades, signage, and streetscapes to preserve, protect, and enhance the unique characteristics of each hamlet." Unlike the other implementation strategies, these three strategies do not include bullet points or descriptions. Additional details must be provided for these strategies, such as why they are necessary, current deficiencies, examples of actions, regulations, policies, etc.*

Response 17: These items are discussed in detail in Chapter 7. As such, it has not been included in the edits.

Comment 18: *Page 116 includes a subsection titled "Parking," referring to downtown and other busy areas where parking is limited, and how to address parking demands. While the parking shortage is apparent in many of Orangetown's commercial centers, this section of the Plan should also include information about areas where the supply of parking spaces is highly abundant compared to the actual demand. Though the excess of parking and pavement is primarily addressed in Chapter 7 (Sustainability and Climate Resiliency) of the Comprehensive Plan, it is also a transportation related issue and should be discussed further in this section of Chapter 4. Parking standards should be evaluated in light of recent trends such as remote working, online shopping, etc. Reduced parking standards will lead to reduced impervious surface area, as referenced on Page 205.*

Response 18: The parking subsection on page 116 has been revised to indicate that the Town is conducting a parking study for South Nyack, and to recommend that parking studies be conducted to determine parking demand.

Comment 19: *Page 118 lists the implementation strategy of "expanding active transportation infrastructure network by connecting existing trails and converting abandoned rail lines into multiuse paths," but does not include further details. This section should list existing trails and abandoned rail lines that would be ideal for implementation, aside from those trails listed under the strategy of "connecting existing multiuse path network from Orangetown south to New Jersey. Alternatively, the two implementation strategies can be combined and expanded upon as appropriate.*

Response 19: Further details on the existing trails are provided in Chapters 4 and 6. Information on abandoned rail lines would be obtained as this strategy is advanced. As such, it has not been included in the edits.

Comment 20: *On Page 122, Rockland County Department of Public Transportation should be added to the list of collaborators in the effort to study, improve, and expand existing public transportation service, including bus stops, routing, frequency, and reliability.*

Response 20: Rockland County Department of Public Transportation has been added to the list of collaborators on page 122.

Comment 21: *Census tracts in Orangetown that are Disadvantaged Communities, as part of the State's Climate Act Initiative, should be identified in either the demographics subsection on Page 128 and/or in Chapter 7. These Disadvantaged Communities can be found on the New York State's website:*

<https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria/Disadvantaged-Communities-Map>

Response 21: The demographics subsection on page 129 has been updated to note the Census tracts in Orangetown that have been identified as Disadvantaged Communities under the State's Climate Act Initiative.

Comment 22: *On Page 176, it is stated that "the Office of Parks and Recreation, in collaboration with the Orangetown Environmental Committee should consider instituting a local park and environmental stewardship program for youths and students." We suggest adding the Rockland County Division of Environmental Resources and Youth Bureau to the partners for this potential initiative and any other efforts to improve access to open space and parks.*

Response 22: The Rockland County Division of Environmental Resources and Youth Bureau have been added as partners on page 178.

Comment 23: *Throughout Chapter 6 (Open Space and Recreation) there are several different references to plantings as "climate-resilient species," "suitable species," and "sustainable species." With several different descriptors, it is unclear what the Plan is trying to achieve. This department recommends using trees and plants that are native to New York. Native plants are better adapted to the local climate and soils and are therefore easier to care for. This results in the need for less fertilizer, pesticides, and use of water. This helps to prevent erosion and increased runoff into local waterbodies. Native plants also help to preserve and promote biodiversity. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/public/44290.html>.*

Response 23: A reference to native plants listed by DEC has been added to page 179. Also, references to "species" have been updated to refer to "native species" where applicable.

Comment 24: *In addition to watershed protection discussed in Chapter 6, Open Space and Recreation, we urge the Town to consider a watershed protection approach not only within the Town but through inter-municipal cooperation with adjoining*

municipalities and local watershed groups to protect water resources and water quality throughout the region.

Response 24: A strategy has been added on page 177 to recommend that the Town also consider watershed protection through inter-municipal cooperation with adjoining municipalities and local watershed groups to protect water resources and water quality throughout the region.

Comment 25: *Chapter 7 is titled "Sustainability and Climate Resiliency. We suggest that this chapter either be given a different title or separated into two different chapters, one on natural resources and one on sustainability and climate. Addressing climate and emissions reduction through land use planning is in and of itself deserving of being addressed in a separate chapter. Separating natural resource protection and climate action goals will make the Plan overall more reader friendly. While many of the sustainability elements are addressed at one level or another throughout the Plan, we suggest the Town consolidate and tighten up its goals and objectives regarding sustainability and climate resilience.*

A climate action/resiliency related chapter can incorporate sustainability elements already in the draft such as the Town's CCA program, encouragement of electric vehicle charging stations, and renewable energy goals. The Plan discusses the use of 'green building technologies' for both new development and retrofits. It is suggested that the Plan define what is meant by green building technology and elaborate on the use of such technologies in development and redevelopment. This chapter should also address the promotion of carbon neutral development in the town and how local laws may be used to further development that does not result in additional greenhouse gas emissions. Energy efficiency in development and redevelopment can be addressed. Other elements to consider include promoting the development of local food systems and minimizing solid waste.

Response 25: Sustainability and Climate Resiliency are discussed in the same chapter because they are interdependent and include the same topics. Green building strategies for new buildings and retrofits have been added to page 222.

Comment 26: *Chapter 7 in large part addresses the natural resources of the town. While there is clear connection between protection of natural resources and climate resiliency, we would suggest that the Plan would be better laid out and be more readable if natural resource protection and climate related actions be addressed separately in the Plan. A natural resources protection chapter can address the issues of protection of steep slopes, critical environmental areas, waterbodies and wetlands, floodplains and water quality protection and stormwater management.*

Response 26: Chapter 7 on Sustainability and Climate Resiliency addresses natural resources, as they are interdependent. As such, this comment has not been included in the edits.

Comment 27: *We recommend that the Town consider developing a Townwide Natural Resources Inventory (NRI). The NYSDEC Hudson River Estuary Program offers tools and resources to assist municipalities in developing an NRI.*

Response 27: A strategy has been added on page 222 to recommend that the Town develop a National Resources Inventory.

- Comment 28:** *In developing sustainability goals in the Comprehensive Plan, we suggest the Town review the Pledge Elements (PE) of New York's States Climate Smart Communities Program, particularly PE6 Action: Comprehensive Plan with Sustainability Elements. Making sure all these elements, such as smart growth principles, are addressed will help the Town in pursuing higher certification in both the Climate Smart Community Program and the Clean Energy Community Program.*
- Response 28:** Page 212 has been updated to include that the Town should review the Pledge Elements (PE) of New York's States Climate Smart Communities program.
- Comment 29:** *As is referenced in the plan, transportation is a significant contributor to greenhouse gas emissions. Reduction of transportation related GHGs should be addressed in a chapter on Sustainability and Climate including goals to reduce vehicle miles travelled.*
- Response 29:** Chapter 7, Sustainability and Climate Resilience, has been amended to include reduction of transportation related GHGs, on page 212.
- Comment 30:** *There are several references to the 2018 County Multijurisdictional Hazard Mitigation Plan, including Pages 202 and 203, particularly in reference to flooding in the community. Please note that Rockland County Fire and Emergency Services is preparing to update the 2018 Plan- The County will want to add current hazard mitigation related concerns and projects in the Town of Orangetown to this update. We encourage the Town's participation in this effort.*
- Response 30:** Flood mitigation strategies have been updated to include that the Town participate in the County's effort to update the Hazard Mitigation Plan, on page 223.
- Comment 31:** *On Page 215-216, it is recommended that "the Town in collaboration with Rockland County, consider mapping stormwater conveyance, drainage areas, outfalls, and discharge points for all its municipalities. Developing a GIS-based stormwater network geodatabase would allow for improved stormwater analysis and data-driven management strategies. This geodatabase could be updated when new infrastructure is built and when inaccuracies in existing data require correction." We suggest the Plan clarify what collaboration is being sought with the County on such a mapping effort and if it is the intent of the Plan that the County conduct such mapping for all municipalities. It is our understanding that such a mapping effort is currently being coordinated by the Stormwater Consortium of Rockland County. We encourage Orangetown to continue to work with the Consortium and Cornell Cooperative Extension, Rockland County on this effort.*
- Response 31:** This comment will be addressed as the Town advances the strategy. As such, it has not been included in the edits.
- Comment 32:** *On Page 219, we concur with the last strategy listed, which considers setting limits to impervious surfaces on any lot. The town should consider doing an impervious surface analysis to further verify the need for reduced impervious surface area. In addition, we highly recommend that Orangetown adopt maximum development coverage*

regulations within its zoning code. Many other municipalities within Rockland County, such as Ramapo and Clarkstown, have included this requirement in their bulk regulations. Orangetown could particularly benefit from this requirement, given the magnitude of development coverage of some of the recent development proposals submitted to the town and the flooding issues noted in Chapter 7.

Response 32: Chapter 7 has been amended to recommend that zoning regulations be updated to set limits on impervious surfaces on page 219.

Comment 33: *In exploring local educational programs on MS4s through partnerships with the Stormwater Consortium of Rockland County, Orangetown Department of Environmental Management and Engineering, Orangetown Environmental Committee, Office of Parks and Recreation, local schools and school districts, and community organizations as outlined on Page 220, we would also suggest collaboration with the Rockland County Division of Environmental Resources.*

Response 33: Collaboration with the Rockland County Division of Environmental Resources has been added to page 220.

Comment 34: *Green building strategies outlined on Page 222 reference performance code certifications such as Energy Star and/or LEED for new construction. It is suggested that The Town also consider encouraging the use of the Living Building Challenge <https://living-future.org/lbc/>*

Response 34: The performance code certification list was changed to include the Living Building Challenge on page 222.

Comment 35: *Chapter 8 includes a table of strategies that were identified throughout the other chapters of the Comprehensive Plan. The Town should designate different levels of prioritization for the Action Items listed on the table and consider developing a measurable timeframe (number of years or a deadline) for completing high priority actions.*

Response 35: Chapter 8 establishes Short, Medium, and Long-Term time frames for implementation. Specific prioritization and implementation will be based on available funding, staffing, and similar constraints that are unknown at this time. As such, this has not been included in the edits.

Comment 36: *The consideration of consolidating the R-22 and R-15 zoning districts into a single medium density residential district should be added as an action item to the table on Page 230 for the strategy of "updating the zoning code and streamlining provisions." This was listed as a potential action item in the Land Use and Zoning chapter of the Plan, on Page 66, but not added to the table.*

Response 36: The Action Item table on page 230 has been amended to include the recommendation of consolidating R-22 and R-15 zones into a single medium-density residential district, using the lower minimum lot size of the R-15 zone.

Comment 37: *While the Town opted out of allowing the establishment of retail cannabis dispensaries and on-site cannabis consumption sites it is suggested that the potential future land uses allowed under the Marihuana Regulation and Taxation Act be addressed.*

Response 37: Because the Town has chosen to opt out, these potential future land uses are not discussed in the Plan.

Comment 38: *It is suggested that Plan identify contaminated sites in the community, such as those in the states Brownfield Cleanup Program, and identify priority sites for redevelopment in place of development of "green" fields.*

Response 38: The NYSDEC maintains an Environmental Site Remediation Database that is updated daily. This database offers the most up to date resource for identifying sites that require cleanup. Currently, there are three sites in the BCP program: Rockland Psychiatric Center, the Rockland Psychiatric Center - Core Area, and Orangeburg (Orangetown) Shopping Center. The Comprehensive Plan already addresses the Rockland Psychiatric Center, and the Orangeburg Shopping Center is developed and substantially occupied. As such, a map has not been added.

Comment 39: *Listed below are typographical, punctuation, format, and update errors that we observed while reviewing the document.*

Response 39: All items noted in Comment 39 have been corrected in the Comprehensive Plan.

Sincerely,
AKRF, Inc.



Ashley Ley, AICP
Vice President – Planning and Land Development

cc: Town of Orangetown Planning Board